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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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G&P1

7347

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10/26/2010

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EXAMINER

GOINS, DAVETTA WOODS

ART UNIT

PAPER NUMBER

2612

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/727,584	<b>Applicant(s)</b> GAVRILA ET AL.	
	<b>Examiner</b> Davetta W. Goins	<b>Art Unit</b> 2612	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 05 August 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings were received on 05 August 2010. These drawings are accepted.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 24 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the Detailed Description discloses that "the terminal establishes automatically a network connection with a preset telephone number, and transmits distress data that identifies at least the caller, the location of the caller and the type of alarm.....person/s in the location of the event may be instructed how to proceed for minimizing the risks and/or the damages. A second preset telephone number may also be dialed automatically for at least some types of alarms, if communication with the first called number cannot be established."

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(Paragraph 0032). However, the Specification does not disclose the communication device “receiving” instructions “over a communication network” as claimed.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 8-12, 18, 19 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Frank (US Pat. 7,005,982 B1).

In reference to claims 1, 18, 19, 25, Frank discloses a) the claimed communication terminal for connection to a communication network, which is met by a wireless communication links, a radio tower communication system 308 connects a wireless transmission from a carrier system 308 connecting a wireless transmission from the carrier security system local processor 301 to a national network interface (Fig. 2, lines 58-67; col. 7, lines 1-6), b) the claimed multi-sensor block for monitoring the environment and providing a sensor reading signal indicative of a level of an environmental agent, which is met by radioactive detection unit 202 provides continuous monitoring along with local processor unit 203 for analyzing the inputs from chemical,

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biological and radioactive detection units to determine if an alarm condition is present (col. 4, lines 41-67), and c) the claimed alarm mode controller for operating the communication terminal in an alarm mode according to the sensor reading signal, which is met by the local processor 203 recognizes an alarm, once detection device 201, 202 detects a hazardous material, and will send an alarm message over wireless link 205 (col. 4, lines 63-67; col. 5, lines 1-13).

In reference to claims 8-10, Frank discloses the claimed at least one of smoke detector, a chemical agents detector, a radiation detector and a biological agent detector, which is met by chemical and biological detection unit 201 and radioactive detection unit 202 (col. 4, lines 41-67).

In reference to claims 11, 12, Frank discloses the claimed means for monitoring is a digital sensor, which is met by the system measures particle sizes and counts particles in liquid suspensions through the use of laser light scattering. Flow cytometers involve sophisticated fluidics, laser optics, electronic detectors, analog to digital converters, and computers to provide an automated method for biochemical analysis and to process thousands of cells in a few seconds (col. 12, lines 53-67).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-7, 15-17, 22, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frank.

In reference to claims 4, 5, 26, Frank does not specifically disclose the claimed memory for storing a threshold for indicating a hazardous level of the environmental agent and a comparator unit for receiving the sensor reading signal from the means for monitoring and the threshold from the memory and providing an alarm signal whenever the threshold is violated, and alarm driver for receiving the alarm signal and initiating an alarm mode of operation sequence. However, Frank specifically discloses a processor 402, which analyzes the inputs from the chemical, biological and radioactive detection units to determine "if" an alarm condition is present. Upon the processor recognizing that an alarm is present, local alarms are activated as well as an alarm message being sent over a wireless or wire-line link to a remote location (col. 6, lines 39-67; col. 7, lines 1-63). Since Frank discloses that a processor is used to make the determination as to whether an alarm condition exists based on analyzing the detected chemical and biological inputs, it would have been obvious to one of ordinary skill in the art at the time of the invention as well as inherent, that there would need to be some threshold stored in a memory and to include a comparator, which are well known used means for ensuring that an alarm condition exists and for preventing a false alarm.

In reference to claim 6, Frank discloses the alarm is one of an audio, video and mechanical alarm, which is met by local alarms that are generated consist of a light, buzzer or other activity to warn personnel (col. 9, lines 55-61).

In reference to claim 7, Frank discloses the claimed alarm driver triggers transmission of a distress signal by establishing an automatic connection over the network using the communication terminal on receipt of the alarm signal, which is met by the local processor 301 determines a detection of hazardous materials and sends an alarm message via communication links (col. 6, lines 38-67).

In reference to claims 15-17, Frank does not specifically disclose the claimed communication device is one of a cellular telephone, a fixed telephone, a cordless telephone, a pager and a fax machine. However, Frank discloses a communication link, such as a dial-up phone line or a dedicated line, providing connectivity for the data collected by the detectors and analyzed by the local processor unit. Wireless communication links may also be used via radio tower communication system 308. The dial-up phone line or dedicated line is coupled with a public switched telephone network 310 between the carrier security system station 304 (col. 6, lines 39-67; col. 7, lines 1-26). Since Frank discloses a system that detects environmental conditions and transmits an alarm condition via communication link by dial up or wirelessly via public network, it would have been obvious to one of ordinary skill in the art at the time of the

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invention to use a fixed telephone, that would use a dial-up phone line to communicate the alarm to a remote location.

In reference to claim 22, Frank does not specifically disclose the claimed indicating the gravity of the threshold violation. However, Since Frank does disclose that the system may determine any change detected, in real time, a means for continuously monitoring the air at a predetermined level when determining whether to initiate an alarm as well as a means that will quantify and discriminate between various particles (col. 7, lines 30-63; col. 10, lines 8-39), it would have been obvious to one of ordinary skill in the art at the time of the invention to determine the gravity of threshold, to indicate to the user at the remote end how severe the detected particles are in the environment.

In reference to claim 24, Frank does not disclose the claimed method of receiving instructions over the communication network regarding immediate protective measures for minimizing the effects of the hazardous agent. However, Frank does disclose a communication link, such as a dial-up phone line or a dedicated line, providing connectivity for the data collected by the detectors and analyzed by the local processor unit. Wireless communication links may also be used via radio tower communication system 308. The dial-up phone line or dedicated line is coupled with a public switched telephone network 310 between the carrier security system station 304; the transmitted data including the location of the hazard, id associated with the vehicle, etc. (col. 3, lines 1-9; col. 6, lines 39-67; col. 7, lines 1-26). Since Frank discloses a system that



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detects environmental conditions and transmits an alarm condition via communication link by dial up or wirelessly via public network, it would have been obvious to one of ordinary skill in the art at the time of the invention to also include specific instructions to the user as to how to proceed after the system has determined that the environment is not safe.

9. Claims 2, 3, 13, 14, 20, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frank in view of Cephus (US Pat. 5,132,968).

In reference to claims 2, 3, 20, 23, although Frank does not specifically disclose the claimed power turn-on unit for permanently powering the means for monitoring or the claimed power on/off switch for turning the power to the system `on` and a power turn-on unit for operating the alarm mode controller in a sleep power mode whenever the on/off switch is `off`, he does disclose that the detection system can receive a shut off signal from a monitoring station (col. 18, lines 7-13). Cephus discloses a system 10 in which a group of sensors are connected to a microcontroller/multiplex system 48. The system includes a transceiver system 52 in which the a coded signal may be transmitted and received by the system 10 to read the sensors, turn the sensor 36 on or off, or accept data from the sensors (col. 3, lines 30-47; col. 4, lines 1-27). Since Frank discloses that the operation of the detection system can receive commands from a remote location, such as shutting off the local alarms, it would have been obvious to

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one of ordinary skill in the art at the time of the invention to incorporate the teaching of transmitting a sleep mode and deactivating the sensors, as disclosed by Cephus, with the system of Frank, to allow the user of the system to control when the detection system should be in operable mode as well as conserve power.

In reference to claims 13, 14, Frank does not specifically disclose the claimed communication terminal comprises a communication functions control unit for generating the distress signal, and encoding the distress signal into an outgoing message using a communication protocol, and a transmitter for sending the message over the communication network to a specified location. However, Frank does disclose a system in which chemical, biological and radioactive elements are detected and an alarm signal will be transmitted to a remote location via communication system 308 to a monitoring center server 313. The alarm signal may include the location of the detected hazard and specific measurements, time, date as well as video signals received (col. 6, lines 39-67; col. 7, lines 1-26). Cephus discloses a system 10 in which a plurality of environmental sensors are used and an encoded signal will be transmitted from the sensors to a computer 12 (col. 4, lines 28-45; Figure 1). Since both Frank and Cephus disclose environmental sensors that transmit an alarm condition to a remote location, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of encoding the transmitted signal of Frank's, as taught by Cephus, to ensure security of the system will be provided.

In reference to claim 21, Frank discloses the claimed distress signal includes an identification of the communication terminal and an information on the present location of the communication terminal, which is met by a communication link, such as a dial-up phone line or a dedicated line, providing connectivity for the data collected by the detectors and analyzed by the local processor unit. Wireless communication links may also be used via radio tower communication system 308. The dial-up phone line or dedicated line is coupled with a public switched telephone network 310 between the carrier security system station 304; the transmitted data including the GPS location of the hazard, id associated with the vehicle, etc. (col. 3, lines 1-9; col. 6, lines 39-67; col. 7, lines 1-26).

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 571-272-2957. The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Lee can be reached on 571-272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Davetta W. Goins/  
Primary Examiner, Art Unit 2612

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